

# **ASSEMBLY BILL 2495**

## **KIN-GAP PARITY OF SERVICES**

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### **ISSUE**

The goal of the Child Welfare System is to ensure that all youth reside in a safe, permanent, and supportive home. The best available State and Federal evidence illustrate that youth placed with relatives experience fewer placements, fare better emotionally and physically, perform better in school, and maintain a higher level of connection to their culture and family.

For these reasons, the Kinship Guardianship Assistance Program (Kin-GAP) was signed into law in 2000. This program provides critical assistance and services to youth placed with relatives. Kin-Gap has been a huge success in California exiting approximately 15,000 children from the formalized system to be placed in safe and stable homes.

Though Kin-GAP has helped many families in California, these children do not receive the same support as children placed with non-relatives. Children in Kin-GAP are not eligible to receive a specialized needs payment or the annual clothing allowance that children placed with non-relatives receive. This inequity results in many families needlessly remaining under the formalized court and child welfare systems simply so the youth can receive the same level of services.

### **EXISTING LAW**

Currently, children in foster care placements may be eligible for a specialized care increment (SCI) based on their health and/or behavioral needs. Children in a foster care placement are also eligible for an annual clothing allowance. Both of these payments vary depending on county.

Kinship Guardian Assistance Program (Kin-GAP) applies to children who have legal guardianship established with a relative by the juvenile dependency court. Welfare and Institutions Code 11363.

### **SUMMARY**

AB 2495 seeks to create parity for youth placed with relatives through the Child Welfare System. This bill removes the current disincentives in place for youth and families to exit the formalized system and be placed with caring relatives.

### **BACKGROUND**

- In 1998 SB 1901 (McPherson) passed with near unanimous support in both houses and was signed into law. This bill created the Kinship Guardianship Assistance Program (Kin-GAP).
- This program gives relatives the opportunity to take permanent custody of foster children. The purpose of this program is to increase the number of children that can exit the foster care system and enter into a permanent and supportive placement with family.
- According research done by the Children and Family Research Center at Urbana, IL subsidized guardianship programs boast millions in administrative cost savings to the state. Children in kinship care were less likely to be abused and placement disruption was lower than in non-relative placements.
- One of the key recommendations found by The Pew Commission - a federally funded nonpartisan, independent commission dedicated to developing practical public policy recommendations to improve the foster care system - was to increase support and make available guardianship programs to kin caregivers.
- The latest complete data reported for 2002 to the federal Adoption and Foster Care Analysis and Reporting System (AFCARS) show that 24% of all adoptions of children from foster care were by relatives.

- 43% of California’s children living out of their home of origin are housed with relatives, nearly 30% of whom are 60 or over and on a fixed income.
- Currently, many relatives are reluctant to enter into Kin-GAP because of the fiscal disincentives.
- According to the CDSS website: “Specialized care provides a supplemental payment to the family home provider... to meet the additional daily care needs of (a foster) child who has a health and/or behavior problem. Placement of children who need specialized care in family homes complies with the intent of State and federal requirements that a child is entitled to placement in a family environment, in close proximity to the parent's home, and consistent with the best interest and special needs of the child. California's specialized care rate setting system promotes these concepts”
- According to UC Berkeley, Center for Social Services Research children exiting to Kin-GAP are relatively unlikely to reenter foster care. About 2% in the first year and 7% of children over a four year period return to foster care. These children are also less likely to have multiple placements and are more likely to be placed closer to their home of origin than non-kin.
- Sibling groups are more likely to be placed together in Kinship Care than any other type of placement.
- The decrease in the total foster youth population (100,000 in 2000 and 83,000 in 2005) can be attributed to approximately 15,000 children who exited the child welfare system to stay with relative guardians receiving Kin-GAP.
- When caregivers were asked what they most wanted to change or fix about the Kin-GAP program in a survey done by the Department of Children and Family Services in Los Angeles, caregivers stated that their kin were missing out on some benefits.
- In this same survey the majority of comments by the caregivers focused on financial needs, specifically the need for the clothing allowance.
- Relative Guardians, under Kin-GAP, are eligible to receive an amount equivalent to the basic Foster Care Rate. Non-Related Guardians are

eligible to receive the basic Foster Care Rate, as well. Non-Related Guardians, however, are also eligible to receive clothing allowances and special care increments if warranted and assessed to be needed for the care of the child.

## SUPPORT

American Federation of State, County, and Municipal Employees (AFSCME)  
 California Alliance of Child and Family Services  
 California Association of Counties  
 California Catholic Conference  
 California National Association of Women  
 Chief Probation Officers of California  
 Children’s Law Center of Los Angeles  
 Children’s Advocacy Institute  
 County of Alameda  
 County Welfare Directors Association  
 Gay and Lesbian Adolescent Social Services (GLASS)  
 Legal Advocates for Permanent Parenting  
 National Association of Social Workers  
 National Center for Youth Law  
 Service Employees International Union (SEIU)  
 Individuals (135)

## OPPOSITION

None on file.

## FOR MORE INFORMATION

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